

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**GUIDEONE MUTUAL INSURANCE COMPANY
and GUIDEONE AMERICA INSURANCE
COMPANY**

PLAINTIFFS/COUNTER-DEFENDANTS

V.

CAUSE NO.: 1:06cv218 P-D

KENNETH ROCK and JANET ROCK

DEFENDANTS/COUNTER-PLAINTIFFS

**DEFENDANTS RESPONSE TO PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT**

COME NOW the Defendants, by and through their counsel, and file this Motion for Summary Judgment. In support thereof, the Defendants attach, or incorporate fully herein by reference those Exhibits attached to Doc. 165 and 166, the following Exhibits:

- A. Homeowner's Insurance Application;
- B. Affidavit of Kenneth Rock;
- B1. Affidavit of Janet Rock;
- C. Authorization to Obtain;
- D. 2004 Transunion Credit Report;
- D1. Receipt of Assignment for Investigation;
- E. 2005 Transunion Credit Report;
- E1. AK Report 9/7/2005;
- F. AK Reports 9/23/2005;
- G. Preliminary Report;
- H. Kathleen Alverio Deposition;
- H1. Phone Message;
- I. Letter regarding Bellsouth Compliance Center;

- I-1. Activity Form;
- J. Activity Form;
- K. Invoice;
- L. Tina Bailey Deposition;
- L1. Full Report;
- M. Tina Bailey Notes – agent0031;
- M1. Deposition of Rick Ely
- N. Denial Letter;
- N1. Leniton Deposition;
- O. York Email;

For the reasons set forth in the corresponding memorandum of authorities, the Defendants respectfully request that this honorable deny the Plaintiffs motion for summary judgment in its entirety.

THIS the 12th day of May, 2009.

Respectfully submitted,

s/ Mona T. Pittman
MONA T. PITTMAN
MS BAR NO.: 9754
ATTORNEY FOR THE DEFENDANTS

OF COUNSEL:

KELLY LAW FIRM
150 PUBLIC SQUARE
BATESVILLE, MS 38606
T: 662-563-0411
F: 662-563-0631

CERTIFICATE OF SERVICE

I, Mona T. Pittman, hereby certify that I have this day electronically filed the foregoing Response to Motion for Summary Judgment with the Clerk of the Court using the ECF filing system which provided electronic notice to the following:

Marc D. Amos
Nicholos, Crowell, Gillis, Cooper & Amos
Post Office Box 1827
Columbus, MS 39703

Respectfully submitted, this the 12th day of May, 2009.

s/Mona T. Pittman
MONA T. PITTMAN